

### **REMARKS**

Claims 1-7 were pending, and claims 8-38 were withdrawn from consideration.

Claim 1 is amended and claims 4 and 8-38 are cancelled. Claims 1-3 and 5-7 are now pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing remarks.

### **Rejections Based On Alleged Prior Art**

The Examiner rejected claims 1-7 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 523,508 to Bauer et al. (herein the Bauer et al. patent) in view of U.S. Patent No. 1,096,478 to Weller (herein the Weller patent), U.S. Patent No. 1,168,594 to Berendes (herein the Berendes patent), and U.S. Patent No. 1,391,593 to Sweeting (herein the Sweeting patent). Applicant respectfully traverses the rejection for the following reasons.

Claim 1 as amended recites a disk blade scraper for a tillage implement having a frame, a horizontal shaft suspended from the frame, a plurality of rotating disk blades arranged in laterally spaced relationship on the shaft, a hub spool surrounding the shaft between at least a pair of adjacent disk blades wherein a first end of the hub spool contacts one of the pair of adjacent disk blades thereby creating a transition joint between the first end of the hub spool and a surface of the one of the pair of adjacent disk blades. The scraper comprises a bracket connected to the frame; and a rotating disk mounted to the bracket, the rotating disk having an axis of rotation and a circumferential edge parallel to the axis of rotation. The bracket is connected to the frame and the rotating disk is mounted to a lower end of the bracket such that the circumferential edge of the rotating disk is adjacent the transition joint and such that the lower end of the bracket is between the rotating disk and

the one of the pair of adjacent disk blades. The surface of the one of the pair of adjacent disk blades is concave-shaped, and includes an annular depression relative to the concave surface. The annular depression surrounds the transition joint. The circumferential edge of the rotating disk is located within the annular depression.

The Bauer et al. patent *does not disclose a circumferential edge of the alleged rotating disk located with an annular depression in the rotating disk blade surrounding the transition joint as recited in claim 1*. The Bauer et al. patent does not disclose any annular depression in the concave surface of the alleged disk blade (See Fig. 2). A review of the remaining cited references fails to correct this deficiency. Therefore, the cited references fail to teach each and every limitation of the claimed invention. Accordingly, reconsideration and allowance of claim 1 as amended is respectfully requested.

Claims 2-3 and 5-7 depend either directly or indirectly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowable. Claims 2-3 and 5-7 also include patentable subject matter in addition to claim 1.

### CONCLUSION

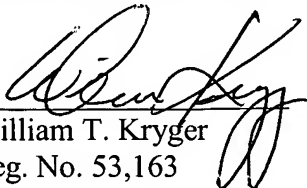
It is submitted that claims 1-3 and 5-7 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

A fee of \$1,810 is included with this communication with a request for a 3-month extension of time and a request for continued examination (RCE). Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Response with Request for Continued Examination  
Serial No. 10/788,624 filed on February 27, 2004  
Art Unit: 3671  
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The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

  
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